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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,243	05/07/2004	Kuo-Ping Yang	YANG3176/EM	7607

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EXAMINER

WONG, JEFFREY KEITH

ART UNIT	PAPER NUMBER
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3709

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/840,243	Applicant(s) YANG ET AL.	
	Examiner Jeffrey K. Wong	Art Unit 3709	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The use of the trademark Leap Pad and Leap Frog has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3709

2. Claim 1, 3, 8 rejected under 35 U.S.C. 102(b) as being anticipated by Sharpe, III et al., US Patent 5,851,119(Sharpe).

Regarding Claim 1:

A learning device with page indicators for utilizing a learning card, the learning device comprising: a case (22, 24); a touch panel (16) mounted on the case and the learning card (120) capable of being disposed on the touch panel (Abstract); and an electronic control unit (106) electrically connected to the touch panel (Col 5, Lines 5-24), the touch panel providing a touching signal to the electronic control unit when touched (Col 3, Lines 38-49), and the electronic control unit determining which region of the touch panel is touched according to the touching signal (Col 3, Lines 38-49); the learning device with page indicators further comprising: a plurality of page indicators (122 and Col 6, Lines 2-4) mounted on the case and controlled by the electronic control unit (Fig. 6); and the touch panel comprising at least one page indication area (122), and when the page indication area is touched, the electronic control unit activates a page indicator according to the touching signal (Col 5, Line 63 to Col 6, Line 12).

Regarding Claim 3:

The learning device with page indicators as claimed in claim 1, wherein the plurality of page indicators (122) are disposed next to at least one edge of the touch panel on the case (Col 5, Line 63 to Col 6, Line 12).

Regarding Claim 8:

Art Unit: 3709

The learning device with page indicators (Col 5, Line 63 to Col 6, Line 12) as claimed in claim 1 being attached to an electronic device for use as an input device of the electronic device (Fig. 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe, III et al., US Patent 5,851,119(Sharpe) in view of Smith III, US Patent 5,466,158(Smith)**

Regarding Claim 2:

Art Unit: 3709

Sharpe discloses the learning device with page indicators as discussed in Claim 1 but failed to disclose the page indicator is a glowing indicator, the glowing indicator illuminating when activated.

However, Smith teaches of illuminated indicators are illuminated when user switches (62) are activated and how users are expected to interpret it for use along with the touch panel (Col 6, Lines 58-63). It would be obvious to one of ordinary skill in the art at the time of the invention to add the indicator teaching of Smith in Sharpe's device because the usage of LEDs or glowing indicators can be used with a touch panel to provide general direction and interaction as taught by Smith (Col 6, Lines 56-60).

6. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe, III et al., US Patent 5,851,119(Sharpe) in view of Yang et al., US Patent 6,369,721 B1(Yang).

Regarding Claim 4:

Sharpe teaches the claimed invention as mentioned in Claim 1 but failed to disclose of a clip mechanism mounted on the case, the clip mechanism capable of clipping a plurality of learning cards together to enable a user to page through the learning cards.

However, Yang discloses of the usage of clips (40) and how the cards (30) could be turned page by page quickly by the user to the desired card (Col 2, Lines 32-44). The usage of clips would allow for a quicker page change than having to remove the

Art Unit: 3709

upper casing (Sharpe, 22) from the lower casing (Sharpe, 24) and inserting a page as Sharpe discloses. Therefore it is obvious to one of ordinary skill in the art at the time of the invention to modify Sharpe's invention with Yang's teachings in order to allow users a quicker method of changing pages.

7. Claim 5, 6, 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe, III et al., US Patent 5,851,119(Sharpe) and in view of Rathus et al., US Patent 6,164,534 (Rathus).

Regarding Claim 5:

Sharpe teaches the claimed invention as mentioned in Claim 1 but failed to disclose the comprising of a plurality of learning cards, and at least every two learning cards have a page actuating mark.

However, Rathus teaches of how touch sensors can be combined with page sensors to provide a larger number of 'effective sensors' and how when each time a sensor is actuated, the electronics within the printed matter also checks the page sensor to determine which page is currently being viewed (Col 8, Lines 48-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the page actuating mark teachings of Rathus in Sharpe's device because it would have provided page detection with that of the touch sensors of the present invention and would represent a single 'effective sensors' as indicated by Rathus.

Regarding Claim 6 and 7:

Sharpe teaches the claimed invention as mentioned in Claim 5 but failed to disclose of the page actuating marks being along an edge of the learning card, and when the learning cards are placed on the touch panel, the page actuating marks are placed on the page indication area on the touch panel.

However, Rathus teaches of how touch sensors can be combined with page sensors to provide a larger number of 'effective sensors' and how when each time a sensor is actuated, the electronics within the printed matter also checks the page sensor to determine which page is currently being viewed (Col 8, Lines 48-58). Since the touch panel can contain a plurality of sensors in any positions on said panel, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilizing the teachings of Rathus in Sharpe's device to provide page detection by incorporating a touch panel that contained sensors along the edges, which would represent as a single 'effective sensors' as indicated by Rathus.

Conclusion

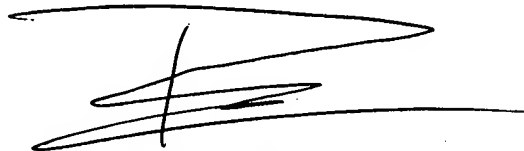
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Bomberg can be reached on (571)272-4922. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Art Unit: 3709

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKW 4/2/07

A stylized handwritten signature in black ink, consisting of a large, sweeping horizontal stroke with a vertical line intersecting it, and a smaller horizontal stroke below.

THAO X. LE
PRIMARY PATENT EXAMINER